



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/714,056

11/14/2003

David Harris

115.04

3198

55409 7590 03/26/2007
MATHEW J. TEMMERMAN
423 E. STREET
DAVIS, CA 95616

EXAMINER

GUIDOTTI, LAURA COLE

ART UNIT

PAPER NUMBER

1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

03/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/714,056	Applicant(s) HARRIS ET AL.	
	Examiner Laura C. Guidotti	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-9 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05112004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims 3-9 and 12 in the telephonic reply on 04 December 2006 is acknowledged. Claims 1-2 and 10-11 are withdrawn from consideration.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "boss recess in said boss" (claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 1744

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3-4, 6-7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Holmes et al., US 6,138,317.

Holmes et al. disclose the claimed invention including a rotary brush comprising a head (10 or 60) having a top side and underside (respective upper and lower surfaces of 10 or 60 as shown in Figures 3 and 5), the underside having a central region (32) and a peripheral region (34) having bristles (portion including bristles 12, Figures 2 or 4), a head recess in the central region (30 or 66), a boss descending into the head recess (18, unlabeled in Figure 5), a boss recess in said boss (46), and a central aperture extending through the boss recess to the top side (where 16 extends). Regarding claim 4, there is a head recess formed by a protrusion on the top side (24 or 58 are the “protrusions” and there is an unlabeled recess shown in each, see Figures 3 and 5). Regarding claim 6, the device is a kit (50) comprising a set of diverse fasteners (Column 5 Lines 47-65). Regarding claim 7, each of the fasteners has external dimensions (inherently, Column 5 Lines 52-59), and wherein the external dimensions are substantially the same for at least two fasteners (such as for knobs 48, Column 6 Lines

Art Unit: 1744

31-34; or Column 5 Lines 56-61). Regarding claim 12, the kit comprises a means for fastening (such as nut 18 or shaft 16; Column 5 Lines 47-51).

4. Claims 3-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pauler et al., US 3,344,455.

Pauler et al. disclose the claimed invention including a rotary brush comprising a head (51) having a top side and underside (respective upper and lower surfaces of 51 as shown in Figure 1, head 51 includes 56, 76), the underside having a central region (along which 42 vertically extends through as shown in Figure 1) and a peripheral region (where 76 is located) having bristles (14; Figure 1), a head recess in the central region (unlabeled, shown in Figure 1 as recessed region above where reference numerals "69" are located), a boss descending into the head recess (unlabeled, lowermost portion of 56 as shown in Figure 1), a boss recess in said boss (unlabelled, see Figure 1 where 54 is located), and a central aperture extending through the boss recess to the top side (where 42 extends). Regarding claim 4, there is a head recess formed by a protrusion on the top side (56 forms the head recess and has a protrusion on the top as shown in Figure 1). Regarding claim 5, there is a protective insert in the boss recess (54). Regarding claim 6, there are diverse fasteners for attaching the rotary brush (including 42, 70, 54, 77). Regarding claim 7, each of the fasteners has external dimensions (inherently, see Figure 1), and wherein the external dimensions are substantially the same for at least two fasteners (such as for tabs 77). Regarding claim 8, there is a spacer cup (39 acts as a "spacer" and has a cup-like shape, Figure 1).

Art Unit: 1744

Regarding claim 9, there is also a washer (70). Regarding claim 12, there is a means for fastening (77; Column 3 Lines 47-50).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2,863,162 to Draughon is a brush or sweeping attachment for a lawn mower and includes a head having a top side and underside, the underside having a central region and peripheral region, bristles in the peripheral region, a head recess in the central region, and a central aperture (that is the head recess).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura C Guidotti
Laura C Guidotti
Patent Examiner
Art Unit 1744

lcg